

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

John Jabbar Greene,)	C/A No. 4:19-cv-0283-SAL
)	
Petitioner,)	
)	
v.)	
)	
Warden, Kershaw Correctional Institution,)	ORDER
)	
)	
Respondent.)	
)	

In this case, Petitioner John Jabbar Greene (“Petitioner”) sought habeas corpus relief pursuant to 28 U.S.C. § 2254. On February 20, 2020, this Court issued an Order adopting the Report and Recommendation of the Magistrate Judge and granting Respondent Warden, Kershaw Correctional Institution’s (“Respondent”) motion for summary judgment. Rule 11(a) of the rules governing Section 2254 cases requires this Court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The February 20, 2020 order inadvertently failed to include a certificate issuing or denying the certificate of appealability. Accordingly, the Court now issues this Order denying the certificate of appealability.

The governing law provides that:

(c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

(c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). A prisoner satisfies this standard by demonstrating that reasonable jurists would find this court’s assessment of his constitutional claims debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*,

537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In this case, the legal standard for the issuance of a certificate of appealability has not been met. Therefore, a certificate of appealability is denied.

IT IS SO ORDERED.

/s/ Sherri A. Lydon

United States District Judge

February 24, 2020
Florence, South Carolina